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IQ DATA INTERNATIONAL, INC.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

11 | CASSANDRA JONES

CASE NO. 8:17-cv-00818

Plaintiff,

13 | vs.

**DEFENDANT IQ DATA
INTERNATIONAL, INC.'S
NOTICE OF REMOVAL**

14 | IQ DATA INTERNATIONAL, INC.

Complaint: April 5, 2017
Trial: Not Set

15 | Defendant.

15 | Defendant.

TO THE CLERK OF THE ABOVE-ENTITLED COURT, TO PLAINTIFF
17 AND HER ATTORNEYS OF RECORD:

18 PLEASE TAKE NOTICE that defendant IQ Data International, Inc.
19 (hereinafter “IQ Data”) removes this civil action from the Superior Court of the
20 State of California for the County of Orange to the United States District Court for
21 the Central District of California, pursuant to 28 U.S.C. §§ 1441 and 1446, based
22 on federal question jurisdiction. Specifically, plaintiff Cassandra Jones asserts
23 claims for damages arising out of alleged violations of the federal Fair Debt
24 Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692 *et seq.* and the Fair Credit
25 Reporting Act (“FCRA”), 15 U.S.C. §1681 *et seq.*, as well as state law claims
26 under the Rosenthal Fair Debt Collection Practices Act (“RFDCPA”), Cal. Civ.
27 Code § 1788 *et seq.* and the Consumer Credit Reporting Agencies Act

1 ("CCRAA"), Cal. Civ. Code § 1785 *et seq.*

2 In support of this notice of removal, IQ Data, through its counsel, states as
3 follows:

4 **PROCEDURAL BACKGROUND**

5 1. Plaintiff commenced this action by filing a Complaint in the Superior
6 Court of the State of California for the County of Orange on April 5, 2017 styled
7 *Cassandra Jones v. IQ Data International, Inc.*, Case No. 30-2017-00912979-CL-
8 NP-CJC (the "State Court Action"). A true and correct copy of the summons and
9 complaint is attached hereto as Exhibit "A," in accordance with 28 U.S.C.
10 § 1446(a), and is incorporated by reference.

11 2. The Complaint asserts violations under the FDCPA, 15 U.S.C. § 1692
12 *et seq.* and the FCRA, 15 U.S.C. § 1681 *et seq.* Plaintiff further alleges violation of
13 the RFDCPA, Cal. Civ. Code § 1788 *et seq.* and the CCRAA, Cal. Civ. Code §
14 1785 *et seq.* The Complaint was served on IQ Data on April 6, 2017.

15 **BASIS FOR REMOVAL – FEDERAL QUESTION JURISDICTION**

16 3. Under 28 U.S.C. § 1441(a), any civil action brought in a state court of
17 which the district courts of the United States have original jurisdiction, may be
18 removed by the defendant or the defendants, to the district court of the United
19 States for the district and division embracing the place where such action is
20 pending.

21 4. Further, 28 U.S.C. § 1441(b) provides that any civil action for which
22 the district courts have original jurisdiction founded on a claim or right arising
23 under the Constitution, treaties or laws of the United States shall be removable
24 without regard to the citizenship or residence of the parties.

25 5. This matter may be removed from the state court because this Court
26 has original jurisdiction over claims arising under the FDCPA, which is a law of
27 the United States. Further, the FDCPA provides "[a]n action to enforce any
28 liability [created by this subchapter or under this title] may be brought in any

appropriate United States district court, without regard to the amount in controversy, or in any other court of competent jurisdiction.” 15 U.S.C. § 1692k(d).

4 6. In addition, this matter may be removed from the state court because
5 this Court has original jurisdiction over claims arising under the FCRA, which is a
6 law of the United States. Further, the FCRA provides “[a]n action to enforce any
7 liability [created by this subchapter or under this title] may be brought in any
8 appropriate United States district court, without regard to the amount in
9 controversy, or in any other court of competent jurisdiction.” 15 U.S.C. § 1681(p).

TIMELINESS OF REMOVAL

1 7. The summons and complaint was served on IQ Data on April 6, 2017.
2 Defendant's Notice of Removal is therefore timely because defendant has filed this
3 Notice "within thirty days after receipt by the defendant, through service or
4 otherwise, of a copy of an amended pleading, motion, order or other paper from
5 which it may first be ascertained that the case is one which is or has become
6 removable." 28 U.S.C. § 1446(b)(3).

VENUE

18 8. Venue is proper in this district and division because the State Court
19 Action was filed and is pending in the Superior Court of the State of California for
20 the County of Orange, which is located within the United States District Court for
21 the Central District of California.

SUPPLEMENTAL JURISDICTION

23 9. This Court also has supplemental jurisdiction to the extent any state
24 law claims are alleged. *See* 28 U.S.C. § 1337(a) (a federal court has “supplemental
25 jurisdiction over all other claims that are so related to claims in the action within
26 such original jurisdiction that they form part of the same case or controversy under
27 Article III of the United States Constitution.”)

10. This Court has jurisdiction over state law claims where a plaintiff seeks the resolution of a substantial federal question through the implication of remedies available under federal law. *See Grable & Sons Metal Products, Inc. v. Darue Engineering & Mfg.*, 545 U.S. 308, 313-314 (2005).

11. The claims in plaintiff's Complaint arise under laws of the United States because plaintiff's claims necessarily depend on the remedies available under both 15 U.S.C. §1692 *et seq.* and 15 U.S.C. § 1681 *et seq.* Plaintiff invokes 15 U.S.C. §1692 *et seq.* and 15 U.S.C. § 1681 *et seq.* throughout the Complaint in requesting statutory damages under these federal statutes. Facts are asserted as being defined by federal statute in paragraphs 2-5, 10, 11, 21, 26 and 28 of the Complaint. Plaintiff's Complaint alleges a "violation" of 15 U.S.C. §1692 *et seq.* (paragraph 11) and 15 U.S.C. § 1681 (paragraphs 21).

COMPLIANCE WITH REMOVAL PROCEDURES

12. Defendant has complied with the procedural requirements for removal set forth in 28 U.S.C. § 1446. As noted above, the notice of removal is filed within 30 days of the service of the pleading from which it may first be ascertained that the case is one which is or has become removable.

13. Pursuant to § 1446(d), a copy of this Notice of Removal, including exhibits, is being served on plaintiff.

14. Pursuant to § 1446(d), a copy of this Notice of Removal, including exhibits, will be filed with Superior Court of the State of California for the County of Orange to the United States District Court for the Central District of California, in Case No. 30-2017-00912979-CL-NP-CJC.

15. Copies of all process, pleadings and orders served on the defendant are attached hereto.

16. There are no other named defendants; therefore, there is no issue regarding joinder of all defendants.

WHEREFORE, IQ Data removes this action from the Superior Court of the State of California for the County of Orange to the United States District Court for the Central District of California.

Respectfully submitted,

Dated: May 8, 2017

GORDON & REES LLP

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